

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

**December 16, 2019 Meeting Minutes**

4:00 p.m., Public Hearing Room, DEP, Trenton

**Board Members:**

***Present***

Jorge Berkowitz  
Phil Brilliant  
Joann Held  
Jeffrey Hoffman  
Christopher Motta (via teleconference)  
Mark Pedersen (arrived 4:35)  
Kathi Stetser (via teleconference)  
Peter Strom  
Ira Whitman

***Absent***

Lawra Dodge

***Others Present***

Board Executive Director Janine MacGregor  
Board Staff Dana Haymes  
DAG Robert Lamilla

***Proceedings***

- Meeting called to Order at 4:05 PM by Acting Chairperson Joann Held
- Joann Held read the Statement of Adequate Public Notice of the meeting required by the Open Public Meetings Act.

• Roll Call:

Jorge Berkowitz	- present
Phil Brilliant	- present
Lawra Dodge	- absent
Joann Held	- present
Jeffrey Hoffman	- present

Christopher Motta - present (via teleconference)  
Mark Pedersen - absent  
Kathi Stetser - present (via teleconference)  
Peter Strom - present  
Ira Whitman - present

A quorum of the Board was in attendance.

• **Approval of the Board Meeting Minutes**

- Motion by Jeff Hoffman to approve November 4, 2019 Board Meeting Minutes.

Phil Brilliant seconded the motion.

One typo was noted. The motion was amended to include correction of the minutes.

Roll Call Vote:

Jorge Berkowitz - Yes  
Phil Brilliant - Yes  
Lawra Dodge - absent  
Joann Held - Yes  
Jeffrey Hoffman - Yes  
Christopher Motta - Yes  
Kathi Stetser - Yes  
Peter Strom - Yes  
Ira Whitman - Yes  
Mark Pedersen - absent

The motion was carried.

- Motion by Phil Brilliant to approve November 4, 2019 Board Meeting Minutes of the closed session.

Jorge Berkowitz seconded the motion.

Roll Call Vote:

Jorge Berkowitz - Yes  
Phil Brilliant - Yes  
Lawra Dodge - absent  
Joann Held - Yes  
Jeffrey Hoffman - Yes  
Christopher Motta - Yes  
Kathi Stetser - Yes  
Peter Strom - Yes

Ira Whitman - Yes  
Mark Pedersen - Absent

The motion was carried.

- **Chairperson's Report**

No report.

- **Executive Director's Report**

Janine MacGregor reported that the Board was asked to provide a rules update at the December 11, 2019 CVP SRAG meeting. Joann Held did this, but we'd like to have official Board approval for things like this going forward. For this reason you will see an item under new business authorizing Joann Held to speak about Board Rule revisions on behalf of the Board for this and other events.

Last month we approved a motion to hold the first February Board Meeting of 2020 on Tuesday February 4, 2020 from 5:00-7:00 PM at the LSRPA conference in New Brunswick, NJ. Phil Brilliant pointed out that we did not officially cancel the previously scheduled February 3, 2020 meeting of the Board, so you will see a motion to do so under Ongoing Business.

### ***Committee Reports***

- **Audit Committee – Jorge Berkowitz**

- 5 LSRPs were selected on November 25, 2019 for December 2019 audits
- The audits of the following LSRPs are complete:
  - October 2018: Nathan Thompson, 574550  
Peter Jaran, 594628
  - December 2018: David Busch, 629041
  - February 2019: Jamey Stynchula, 747137  
Joseph Sorge, 573511  
Michael Moore, 585756  
Michael Percelay, 745876  
Paul McAndrew, 627577  
Peter Mortenson, 747152
  - March 2019: Ricky Chenenko, 627744  
Sarah Dyson, 715631

Ira Whitman commented that the Audit Committee will be testing a checklist which will serve as a record of the basic components of the audit. The Committee is working with staff to finalize the checklist and incorporate it into the audit process.

Jorge Berkowitz commented that the Audit Committee is trying to catch up with the backlog of audits. The goal is to reach the point where the Committee is reviewing audits that were selected three months ago, as some time lag is required for the Board to notify LSRPs, for LSRPs to respond to the audit, and for staff and the Committee to complete the review.

Mark Pedersen arrived at 4:35 PM.

- **Finance Committee – Christopher Motta**

Christopher Motta asked when the “Notice of Availability of Annual Site Remediation Professional Licensing Board Fee Calculation Report – Calendar Year 2020” would appear in the New Jersey Register. Janine MacGregor stated that it would probably appear in January 2020.

- **Licensure – Kathi Stetser**

Kathi Stetser reported that the Board has been receiving applications for the LSRP Licensing Exam to take place on April 22, 2020.

- **Outreach Committee – Peter Strom**

No Report.

- **Rules Committee – Joann Held**

Joann Held reported that the Rules Committee has been meeting twice per month, and in addition Joann has met with staff. The Committee has scheduled meetings with the Chairpersons of other Board Committees to provide the opportunity for them to provide input.

- **Ongoing Business**

- Motion by Joann Held to cancel the previously scheduled meeting of the Board on February 3, 2020 as the Board will be meeting on Tuesday February 4, 2020 from 5:00-7:00 PM at the LSRPA conference in New Brunswick, NJ.

Motion seconded by Mark Pedersen.

All present voted yes.

The motion was carried.

- **New Business**

- Motion by Mark Pedersen to authorize Joann Held to represent the Board in speaking about revisions to the Board Rules.

Motion seconded by Jeffrey Hoffman.

All present voted yes.

The motion was carried.

- **Next Board Meeting**

- The next Board Meeting will be January 6, 2020.

- **Continuing Education Committee – Lawra Dodge**

- Motion by Ira Whitman to approve the following CEC applications.

Motion seconded by Mark Pedersen.

	TITLE	PROVIDER	DATE	CECs	PROPOSED COURSE #
1	Brownfields and Community Collaborative Initiatives – Refresh and Updates	LSRPA	TBD	2 Regulatory	2019-105
2	PFAS Regulatory and Technical Concerns	Alpha Analytical, Inc.	November 21, 2019	3 Technical and 1 Regulatory	2019-106
3	LSRP Training for Child Care Centers and Educational Facilities	LSRPA	TBD	1 Technical and 1 Regulatory	2019-107
4	Applications of Surface and Downhole Geophysics for the Env. Professional	CPES, LLC	December 13, 2019	3 Technical	2019-108
5	Applications of Ground Water Geochemistry	NGWA	December 5-6, 2019	14 Technical	2019-109
6	Ground Water Surface Water Interactions	NGWA	December 5-6, 2019	15 Technical	2019-110
7	Drilling Fundamentals for Hydrogeologists and Engineers	NGWA	December 2, 2019	7 Technical	2019-111

8	Investigating and Remediating Chlorinated Solvent Contaminated Sites	CPES, LLC	December 11, 2019	6.5 Technical	2019-112
9	Emerging Contaminants: Trends in Science, Regulations and Business Implications	Montclair State University in collaboration with CPES and in cooperation with LSRPA	December 17, 2019	3.5 Regulatory and 3 Technical	2019-113
10	PFAS in Ground Water	NGWA	December 5, 2019	6 Technical	2019-114
11	Lessons Learned for Implementing More than a Dozen Thermal Remediation Systems	LSRPA	February 4-5, 2020	.5 Technical	2019-115
12	Perimeter Air Monitoring 2020	LSRPA	February 4-5, 2020	.5 Technical	2019-116
13	Unmanned Aerial Photogrammetry and Remote Sensing	LSRPA	February 4-5, 2020	.5 Technical	2019-117
14	Estimated Timeframes for Ground Water Systems to Stabilize	LSRPA	February 4-5, 2020	.5 Technical	2019-118
15	Metabolic and Cometabolic Bioremediation of 1,4-Dioxane	LSRPA	February 4-5, 2020	.5 Technical	2019-119
16	The Importance of Biogeochemical Transformation	LSRPA	February 5, 2020	.5 Technical	2019-120

## Roll Call Vote:

- Jorge Berkowitz - Yes to all except recused for proposed courses 2019-108, 2019-112, and 2019-113
- Phil Brilliant - Yes to all except recused for proposed courses 2019-108, 2019-112, and 2019-113
- Lawra Dodge - absent
- Joann Held - Yes to all
- Jeffrey Hoffman - Yes to all
- Christopher Motta - Yes to all
- Kathi Stetser - Yes to all

Peter Strom - Yes to all  
Ira Whitman - Yes to all  
Mark Pedersen - Yes to all

The motion was carried with respect to all applications.

• **Professional Conduct Committee – Phil Brilliant**

- Motion by Phil Brilliant to Amend Section III-6 (teleconferences) in the By-Laws to permit participation in Closed Session via teleconference, and to amend the By-Laws to incorporate this motion and to update the date of the By-Laws.

Motion seconded by Joann Held

Roll Call Vote:

Jorge Berkowitz - Yes  
Phil Brilliant - Yes  
Lawra Dodge - absent  
Joann Held - Yes  
Jeffrey Hoffman - Yes  
Christopher Motta - Yes  
Kathi Stetser - Yes  
Peter Strom - Yes  
Ira Whitman - No  
Mark Pedersen - Yes

The motion was carried.

- Motion by Phil Brilliant to adopt a resolution to enter closed session to discuss Complaints 001-2014, 003-2018, 001-2019, 005-2017 and 009-2019.

Motion seconded by Joann Held.

All present voted yes.

The motion was carried.

Kathi Stetser and Christopher Motta departed the meeting.

Open Session Board Meeting resumed at 6:06 PM.

- Motion by Phil Brilliant to begin the evaluation of LSRP John Bee’s submissions pursuant to the settlement agreement for complaint 001-2014.

Motion seconded by Jorge Berkowitz

Roll Call Vote:

Jorge Berkowitz	- Yes
Phil Brilliant	- Yes
Lawra Dodge	- absent
Joann Held	- Yes
Jeffrey Hoffman	- Yes
Christopher Motta	- absent
Kathi Stetser	- absent
Peter Strom	- Yes
Ira Whitman	- Yes
Mark Pedersen	- Yes

The motion was carried.

- Motion by Phil Brilliant, in the matter of Complaint 003-2018, to vacate the Board's findings of violations voted on June 17, 2019 and documented in the Board Determination and Offer of Settlement dated June 25, 2019, to dismiss the complaint due to the fact that the LSRP passed away prior to reaching a settlement, and to post a brief synopsis on the Board website.

Motion seconded by Mark Pedersen

Roll Call Vote:

Jorge Berkowitz	- Yes
Phil Brilliant	- Yes
Lawra Dodge	- absent
Joann Held	- Yes
Jeffrey Hoffman	- Yes
Christopher Motta	- absent
Kathi Stetser	- absent
Peter Strom	- Yes
Ira Whitman	- Yes
Mark Pedersen	- Yes

The motion was carried.

- Motion by Phil Brilliant, in the matter of Complaint 001-2019, to dismiss the complaint with no findings, as the LSRP passed away prior to the completion of the investigation of the complaint, and to post a brief synopsis on the Board Website.

Motion seconded by Joann Held.

## Roll Call Vote:

Jorge Berkowitz	- Yes
Phil Brilliant	- Yes
Lawra Dodge	- absent
Joann Held	- Yes
Jeffrey Hoffman	- Yes
Christopher Motta	- absent
Kathi Stetser	- absent
Peter Strom	- Yes
Ira Whitman	- Yes
Mark Pedersen	- Yes

The motion was carried.

- Motion by Phil Brilliant in the matter of complaint 005-2017 to find no violation.

Motion seconded by Jorge Berkowitz.

## Roll Call Vote:

Jorge Berkowitz	- Yes
Phil Brilliant	- Yes
Lawra Dodge	- absent
Joann Held	- Yes
Jeffrey Hoffman	- Yes
Christopher Motta	- absent
Kathi Stetser	- absent
Peter Strom	- Yes
Ira Whitman	- Yes
Mark Pedersen	- Yes

The motion was carried.

- Motion by Phil Brilliant, in the matter of Complaint 009-2019, to find the subject of the complaint in violation of N.J.A.C. 7:26I-6.8(c), and to assess a penalty of \$750.00, to authorize transmission of an offer of settlement at 80% of the assessed penalty under signature of the Board Chairperson; and if no settlement is reached, to proceed with formal disciplinary action.

Motion seconded by Mark Pedersen.

## Roll Call Vote:

Jorge Berkowitz	- Yes
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Phil Brilliant	- Yes
Lawra Dodge	- absent
Joann Held	- Yes
Jeffrey Hoffman	- Yes
Christopher Motta	- absent
Kathi Stetser	- absent
Peter Strom	- Yes
Ira Whitman	- Yes
Mark Pedersen	- Yes

The motion was carried.

- **Public Comments**

None

The Meeting adjourned at 6:14 PM.